

Message Text

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UNCLAS NEW DELHI 10266

E.O. 11652: N/A
TAGS: PINT IN
SUBJECT: ANANDA MARG LEADER ACQUITTED

REF: STATE 131480

1. ANANDA MARG LEADER P.R. SARKAR AND FOUR CO-ACCUSED WERE
ACQUITTED JULY 4 BY THE PATNA HIGH COURT OF CHARGES OF
CRIMINAL CONSPIRACY AND MURDER OF SIX MARG DEFECTORS IN
1970. IN SETTING ASIDE THE 1976 CONVICTION BY A SESSIONS
COURT, THE TWO-JUDGE DIVISION OF THE HIGH COURT RULED THAT
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THE PROSECUTION HAD FAILED TO SUBSTANTIATE THE
CHARGES BEYOND A REASONABLE DOUBT. THE COURT ORDERED
THAT SARKAR AND THE OTHERS BE RELEASED "UNLESS THEY
ARE REQUIRED TO BE DETAINED IN ANY OTHER CASE."
ACCORDING TO PRESS REPORTS, THREE OTHER CASES ARE
PENDING AGAINST SARKAR. HE HAS ALREADY BEEN GRANTED
BAIL IN TWO OF THEM AND ON THE THIRD, THE SO-CALLED

"RANCHI BOMB CASE" HIS ATTORNEYS ARE EXPECTED TO MOVE A PETITION FOR BAIL WITHIN A FEW DAYS. THERE IS NO INDICATION AS YET THAT THE GOVERNMENT OF BIHAR SEEK TO APPEAL THE CASE TO THE SUPREME COURT.

2. AS REPORTED IN THE PRESS, ONE OF THE JUDGES GAVE A CLEAR-CUT ACQUITTAL TO THE ACCUSED WHILE THE OTHER GAVE THEM THE BENEFIT OF THE DOUBT. THE JUDGES APPEAR TO HAVE BASED THEIR DECISION ON TWO COUNTS: 1) THE FAILURE OF THE PROSECUTION TO IDENTIFY THE BODIES OF TWO OF THE ALLEGED SIX VICTIMS AND TO LOCATE THE BODY OF A THIRD; AND 2) THE TOTAL UNRELIABILITY OF THE APPROVER (STATE'S WITNESS) IN THE CASE. THE COURT NOTED THAT THE APPROVER HAD ADMITTED TO HAVING LIED AND PRACTICED DECEPTION, THAT THE PARTICIPATION OF THE APPROVER IN THE MURDERS WAS EXTREMELY DOUBTFUL, AND THAT IT WAS NOT SAFE TO ACCEPT THE STORY NARRATED BY HIM IN EVIDENCE. THE COURT'S JUDGEMENT SAID THAT THE INVESTIGATING AUTHORITIES HAD TAKEN GREAT PAIN TO FIND OUT THE MYSTERY BEHIND THE COLD-BLOODED MURDERS. THE "ONLY MISTAKES WHICH THEY SEEM TO HAVE COMMITTED", THE COURT SAID, WAS THAT THEY FELT "SATISFIED AFTER HAVING FOUND AN APPROVER WHO PROVED HIMSELF ONE BETTER" THAN THE INVESTIGATING AUTHORITIES BY OBTAINING A PARDON WHILE "THE MYSTERY OF THE MURDER HAS REMAINED UNRESOLVED."
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3. SEVERAL NEWSPAPERS REPORT THAT MARGI LEADERS HAVE SAID THEY WOULD LAUNCH A WORLD-WIDE ITATION# IN CASE THERE WERE ANY "HUMILIATION" TO SARKAR AND HAVE DEMANDED THAT ALL "FALSE CASES" AGAINST SARKAR BE DROPPED.
GOHEEN

NOTTE BY OC/T: #AS RECEIVED.

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